

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LIM, Seok-Hun

Group Art Unit:2174

Serial No.: 10/757,911

Examiner: MUHEBBULLAH, Sajeda

Filed: January 14, 2004

Docket:678-1156 (P10776)

Dated: September 29, 2008

For: **METHOD OF CHANGING SETTING OF USER SETTING MENU IN A MOBILE
TERMINAL**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TRANSMITTAL OF APPELLANTS' BRIEF ON APPEAL

Sir:

Enclosed please find APPELLANTS' BRIEF.

Also enclosed is a credit card payment in the amount of \$510.00 to cover the appeal fee.

If the enclosed credit card payment is insufficient for any reason or becomes detached, please charge the required fee under 37 C.F.R. §1.17 to Deposit Account No. 50-4053. Also, in the event any additional extensions of time are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-4053.

Respectfully submitted,



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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APPELLANTS' BRIEF ON APPEAL

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co, Ltd, the assignee of the subject application, having an office at 416, Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no currently pending related appeals, interferences or judicial proceedings.

STATUS OF CLAIMS

Original Claims 1-6 were filed on January 14, 2004. None of the Claims have been subsequently amended. Thus, Claims 1-6 are pending in the Appeal. Claims 1 and 4 are in

independent form. For the purposes of this Appeal, Claims 1-3 stand or fall together and Claims 4-6 stand or fall together.

STATUS OF AMENDMENTS

Thus, the Appendix to this Appeal Brief includes Claims 1-6, of which the status is indicated as "Original".

SUMMARY OF CLAIMED SUBJECT MATTER

The invention as recited in Claim 1 relates to a method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options, which a user can set. (Specification, at page 5, line 24- page 7, line 20; page 9, line 22-page 10, line 20; page 9, line 22-page 10, line 20; FIGs. 2-7).¹ The method includes registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group. (Specification, at page 5, line 24- page 7, line 20; FIG. 2). The method further includes setting a scheduling timer to a timing value for changing the settings of selected user setting menu options. (Specification, at page 9, line 22-page 10, line 20; FIG. 5). The method further includes activating the scheduling timer when a scheduling setting mode is set. (Specification, at page 10, lines 21-27; FIG. 5). The method further includes changing the user setting menu options to the set values of the setting categories upon expiration of the timing value of the scheduling timer. (Specification, at page 11, lines 2-22; FIG. 7).

The invention as recited in Claim 4 relates to a method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options, which a user can set. (Specification, at page 5, line 24- page 7, line 20; page 9, line 22-page 10, line 20; page 9, line 22-page 10, line 20; FIGs. 2-7). The method includes registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection

with set values selected by the user in a scheduling setting group having a unique identifier (ID). (Specification, at page 5, line 24- page 7, line 20; FIG. 2). The method further includes setting a scheduling timer to a timing value for changing the settings of selected user setting menu options registered as setting categories in a scheduling setting group selected from at least one scheduling setting group. (Specification, at page 9, line 22-page 10, line 20; FIG. 5). The method further includes activating the scheduling timer when a scheduling setting mode is set. (Specification, at page 10, lines 21-27; FIG. 5). The method further includes changing the user setting menu options in the selected scheduling setting group to the set values of the setting categories upon expiration of the timing value of the scheduling timer. (Specification, at page 11, lines 2-22; FIG. 7).

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-6 are anticipated under 35 U.S.C. §102(e) by U.S. Patent 6,990,333 (Andrew et al.).

ARGUMENT

1. Independent Claim 1 is patentable over Andrew et al.

Independent Claim 1 was rejected as being anticipated by Andrew et al.²

The invention as recited in Claim 1 relates to a method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options which a user can set. The method includes registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group. The method further includes setting a scheduling timer to a timing value for changing the settings of selected user setting menu options. The method further includes activating the scheduling timer when a scheduling setting mode is set. The method further includes changing the user setting menu options to the set values of the setting categories

¹ Although a citation for each feature of the claims is provided herein, Appellants do not concede the fact that support may be found elsewhere in the written description.

² See Office Action dated December 27, 2007, at page 2.

upon expiration of the timing value of the scheduling timer.

Andrew et al. discloses a method and system for providing timed profile changes to a mobile device.³

1A. Andrew et al. does not teach or disclose registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group, and therefore Andrew et al. cannot anticipate Claim 1.

Claim 1 recites, in part, registering the user setting menu option selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group. The Examiner relies on Andrew et al. for rejecting these features.⁴

The Examiner states that Andrew et al. discloses the above limitation at column 24, lines 24-48. However, the cited passage of Andrew et al. refers to step 304 of the method disclosed in FIG. 3 of Andrew et al., which is a profile selection step that is followed by setting time periods corresponding to the selected profile. FIG. 5 of the present application similarly discloses selecting a scheduling group, in Step 502, followed by setting a scheduling timer in Steps 504 through 508. However, the claimed limitation at issue is not a selection step, but rather a registration step.

FIG. 2 of the present application discloses a method for registering user menu options in scheduling setting groups, from which a selection can be made in Step 502 of FIG. 5. Therefore, the present application discloses both a registration step and a selection step, while Andrew et al. only discloses a selection step.

After a thorough review of Andrew et al., Appellant can find no support for the rejection. Andrew et al. does not teach or disclose registering the user setting menu option selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group.

The Examiner provides no further support for rejecting this claim limitation.

Accordingly, Andrew et al. does not teach or disclose registering the user setting menu options selected by the user from among menu options available in the mobile

³ See Andrew et al., at title and abstract.

terminal as setting categories in connection with set values selected by the user in a scheduling setting group.

Since Andrew et al. does not teach or disclose the recitation of Claim 1 of the present application, registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group, Claim 1 is not anticipated by Andrew et al.

Based on at least the foregoing, it is respectfully submitted that the rejection of Claim 1 under 35 U.S.C. §102(e) must be reversed.

1B. Independent Claim 1 is not anticipated by Andrew et al.

The Examiner has failed to show that each and every element of Claim 1, and in as complete detail as is contained therein, are taught in or suggested by the prior art. The Examiner has failed to make out a prima facie case for an anticipation rejection, and thus Claim 1 is allowable.

1C. Dependent Claims 2-3 are patentable over Andrew et al.

Without conceding the patentability per se of dependent Claims 2-3, these claims are likewise believed to be allowable by virtue of at least their dependence on Claim 1.

2. Independent Claim 4 is patentable over Andrew et al.

Independent Claim 4 was rejected as being anticipated by Andrew et al.⁵

The invention as recited in Claim 4 relates to a method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options which a user can set. The method includes registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting

⁴ See Office Action dated December 27, 2007, at page 3.

group having a unique identifier (ID). The method further includes setting a scheduling timer to a timing value for changing the settings of selected user setting menu options. The method further includes activating the scheduling timer when a scheduling setting mode is set. The method further includes changing the user setting menu options to the set values of the setting categories upon expiration of the timing value of the scheduling timer.

Andrew et al. discloses a method and system for providing timed profile changes to a mobile device.⁶

2A. Andrew et al. does not teach or disclose registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID), and therefore Andrew et al. cannot anticipate Claim 4.

Claim 4 recites, in part, registering the user setting menu option selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID). The Examiner relies on Andrew et al. for rejecting these features.⁷

The Examiner states that Andrew et al. discloses the above limitation at column 24, lines 24-48. However, the cited passage of Andrew et al. refers to step 304 of the method disclosed in FIG. 3 of Andrew et al., which is a profile selection step that is followed by setting time periods corresponding to the selected profile. FIG. 5 present application similarly discloses selecting a scheduling group, in Step 502, followed by setting a scheduling timer in Steps 504 through 508. However, the claimed limitation at issue is not a selection step, but rather a registration step.

FIG. 2 of the present application discloses a method for registering user menu options in scheduling setting groups, from which a selection can be made in Step 502 of FIG. 5. Therefore, the present application discloses both a registration step and a selection step, while Andrew et al. only discloses a selection step.

After a thorough review of Andrew et al. Appellant can find no support for the rejection. Andrew et al. does not teach or disclose registering the user setting menu option

⁵ See Office Action dated December 27, 2007, at page 5.

⁶ See Andrew et al., at title and abstract.

⁷ See Office Action dated December 27, 2007, at page 3.

selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID).

The Examiner provides no further support for rejecting this claim limitation.

Accordingly, Andrew et al. does not teach or disclose registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID).

Since Andrew et al. does not teach or disclose the recitation of Claim 4 of the present application, registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID), Claim 4 is not anticipated by Andrew et al.

Based on at least the foregoing, it is respectfully submitted that the rejection of Claim 4 under 35 U.S.C. §102(e) must be reversed.

2B. Independent Claim 4 is not anticipated by Andrew et al.

The Examiner has failed to show that each and every element of Claim 4, and in as complete detail as is contained therein, are taught in or suggested by the prior art. The Examiner has failed to make out a prima facie case for an anticipation rejection, and thus Claim 4 is allowable.

2C. Dependent Claims 5-6 are patentable over Andrew et al.

Without conceding the patentability per se of dependent Claims 5-6, these claims are likewise believed to be allowable by virtue of at least their dependence on Claim 4.

CONCLUSION

As the Examiner has failed to make out a *prima facie* case for an anticipation rejection, the rejection of Claims 1-6 must be reversed.

It is well settled that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also M.P.E.P. §2131. The Examiner has failed to show that each and every element of Claims 1-6 is found in Andrew et al. Accordingly, the Examiner has failed to make out a *prima facie* showing of anticipation, and the rejection must be withdrawn.

Dated: September 29, 2008

By: 

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CLAIMS APPENDIX

WHAT IS CLAIMED IS:

1. (Original) A method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options which a user can set, comprising the steps of:

registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group;

setting a scheduling timer to a timing value for changing the settings of selected user setting menu options;

activating the scheduling timer when a scheduling setting mode is set; and

changing the user setting menu options to the set values of the setting categories upon expiration of the timing value of the scheduling timer.

2. (Original) The method of claim 1, wherein the scheduling timer is selected from the group of an appointment timer set at a first predetermined time, a length timer for timing when a second predetermined time elapses, a period timer for timing a predetermined period having start and end times, and a repetition timer for timing a predetermined time interval.

3. (Original) The method of claim 2, wherein the changing step further comprises the steps of:

storing the set values of the user setting menu options corresponding to the setting categories of the scheduling setting group at the start time of the predetermined period of the period timer;

changing the set values of the user setting menu options to the set values of the scheduling setting group; and

returning the user setting menu options to the stored set values when the end time of the predetermined period of the period timer is reached.

4. (Original) A method of changing the setting of user setting menu options in a mobile terminal, the user setting menu options being menu options which a user can set, comprising the steps of:

registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group having a unique identifier (ID);

setting a scheduling timer to a timing value for changing the settings of selected user setting menu options registered as setting categories in a scheduling setting group selected from at least one scheduling setting group;

activating the scheduling timer when a scheduling setting mode is set; and

changing the user setting menu options in the selected scheduling setting group to the set values of the setting categories upon expiration of the timing value of the scheduling timer.

5. (Original) The method of claim 4, wherein the scheduling timer is selected from the group of an appointment timer set at a first predetermined time, a length timer for timing when a second predetermined time elapses, a period timer for timing a predetermined period having start and end times, and a repetition timer for timing a predetermined time interval.

6. (Original) The method of claim 5, wherein the changing step further comprises the steps of:

storing the set values of the user setting menu options corresponding to the setting categories of the selected scheduling setting group at the start time of the predetermined period of the period timer;

changing the set values of the user setting menu options to the set values of the scheduling setting group; and

returning the user setting menu options to the stored set values when the end time of the predetermined period of the period timer is reached.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. 1.130, 1.131, 1.132 or entered by the Examiner that is relied upon by Appellant in this appeal.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.